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09/994,189	11/26/2001	Mark Lindner	010297	8110

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Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER

PHAN, HUY Q

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/994,189

Applicant(s)

LINDNER ET AL.

Examiner

Huy Q Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-15 and 22 is/are allowed.
- 6) ☒ Claim(s) 1-5, 16, 17 and 21 is/are rejected.
- 7) ☒ Claim(s) 6 and 18-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This Office Action is in response to Amendment filed on date: 03/21/2005.  
Claims 1-22 are still pending.

***Response to Arguments***

2. Applicant's arguments filed 03/21/2005 have been fully considered.
  - a) In response to Applicant's arguments with regard to the rejections of claims 7-15 and 22 based on Backstrom et al. (US-5,903,851), the examiner finds that the arguments are convinced. Therefore, claims 7-15 and 22 are allowed.
  - b) In response to Applicant's arguments with regard to the rejection of claim 1 based on Backstrom et al. (US-5,903,851). The rejection still relies on Backstrom et al. because Backstrom et al. disclose establishing at least first (fig. 3, step 70 and col. 3, line 35-col. 4, line 48) and second communication connections (fig. 3, step 90; since the applicant has not defined what the second communication connection is according to the first communication connection or at any given time the first communication connection and the second communication connection are being established; see col. 3, line 35-col. 4, line 48) in at least a first wireless communication device (fig. 2, col. 3, line 35-col. 4, line 48).

In response to applicant's arguments toward "both the at least first and second communication connections are established in at least a first wireless communication device", Backstrom et al. disclose "the initial call circuit connection has been established....The connection remains idle until a second call circuit connection request is received at step 90"; see col. 3, line 46-col. 4, line 21.

The claimed invention does not particularly show that at any given time there are at least two connections being established.

c) In response to Applicant's arguments with regard to the rejection of claim 16 based on Backstrom et al. (US-5,903,851). The rejection still relies on Backstrom et al. because Backstrom et al. disclose means for associating at least a first idle period with a first connection ("after the initial call circuit connection has been established ..... monitors for a period of inactivity over the call circuit connection ... Once the timeout period is detected at the step 80"; see col. 3, lines 46-65).

means for associating at least a second idle period with a second connection (fig. 3, steps 70-80 after step 110 and col. 3, line 35-col. 4, line 48; since the applicant has not defined what the second communication connection is according to the first communication connection or at any given time the first communication connection and the second communication connection are being established), a wireless traffic channel being establishable to both connections (col. 1, lines 40-60); and

means for releasing the traffic channel when the idle periods expire (fig. 3, step 85 and col. 3, line 35-col. 4, line 48).

Once again, the claimed invention does not particularly show that at any given time there are at least two connections being established.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Backstrom et al. (US-5,903,851).

Regarding claim 1, Backstrom et al. disclose a method for managing traffic channel (inherently to communication link, see col. 1, lines 40-60) to use in a wireless communication system (figs. 2 and 4), comprising:

establishing at least first (fig. 3, step 70 and col. 3, line 35-col. 4, line 48) and second communication connections (fig. 3, step 90; since the applicant has not defined what the second communication connection is according to the first communication connection; see col. 3, line 35-col. 4, line 48) in at least a first wireless communication device (fig. 2, col. 3, line 35-col. 4, line 48);

establishing respective first (fig. 3, step 80 and col. 3, lines 46-67) and second idle periods (fig. 3, step 80 after step 110; and col. 3, lines 46-67) for the first and second connections; and

releasing a traffic channel associated with the first and second connections when both idle periods expire (col. 4, lines 40-48 and fig. 3, steps 85 and 105 and col. 3, line 35-col. 4, line 48).

Regarding claim 2, Backstrom et al. disclose the method as recited in the rejection of claim 1, further comprising resetting an idle period when a transmission or reception passes through the respective connection (col. 3, lines 46-67).

Regarding claim 3, Backstrom et al. disclose the method as recited in the rejection of claim 1, wherein at least one idle period is set to a default value (col. 4, lines 40-48).

Regarding claim 4, Backstrom et al. disclose the method as recited in the rejection of claim 1, wherein at least one idle period is defined by the associated connection or application (col. 3, lines 46-67).

Regarding claim 5, Backstrom et al. disclose the method as recited in the rejection of claim 1, wherein the first idle period is not equal to the second idle period (Backstrom et al. describe that the period of inactivity is indicated by the ARQ protocol frame, inherently for two different ARQ protocol frames may indicate unequal idle periods; see col. 3, lines 46-67).

Regarding claim 16, Backstrom et al. disclose a computer program product (fig. 2, step 82 and see col. 3, lines 52-57), comprising:

means for associating at least a first idle period with a first connection (fig. 3, steps 70-80 and col. 3, line 35-col. 4, line 48);

means for associating at least a second idle period with a second connection (fig. 3, steps 70-80 after step 110 and col. 3, line 35-col. 4, line 48; since the applicant has not defined what the second communication connection is according to the first communication connection), a wireless traffic channel being establishable to both connections (col. 1, lines 40-60); and

means for releasing the traffic channel when the idle periods expire (fig. 3, step 85 and col. 3, line 35-col. 4, line 48).

Regarding claim 17, Backstrom et al. disclose the computer program product as recited in the rejection of claim 16, wherein the connections are socket connections or packet connections (fig. 4, step 190, col. 5, lines 8-18).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Backstrom et al. in view of Motoyoshi (US-6,801,785).

Regarding claim 21, Backstrom et al. disclose the computer program product as recited in the rejection of claim 16. But, Backstrom et al. do not particularly show wherein the traffic channel is a CDMA traffic channel. However in analogous art, Motoyoshi teaches wherein the traffic channel is a CDMA traffic channel (col. 2, lines 18-50). Since, Backstrom et al. and Motoyoshi are related to the method of dormancy in the mobile station; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Backstrom et al. for purpose of offering CDMA technology for the method of dormancy in the mobile station.

***Allowable Subject Matter***

5. Claim 6 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reason for the indication of allowance:

Regarding claim 6, the prior art made of record and considered pertinent to the applicant's disclosure does not disclose nor fairly suggest the method of claim 1, wherein the connections are socket connections.

Regarding claim 18, the prior art made of record and considered pertinent to the applicant's disclosure does not disclose nor fairly suggest the method of claim 17,



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further comprising means for resetting an idle period when a transmission or reception passes through the respective socket.

### **Reasons for Allowance**

6. Claims 7-15 and 22 are allowed.

The following is a statement of reason for the indication of allowance:

As the applicant stated in the remark (page 3-5) of the amendment filed on 03/21/2005.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G Lester can be reached on 703-306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

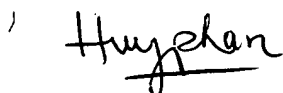
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G Lester can be reached on 703-306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



  
**SONNY TRINH**  
**PRIMARY EXAMINER**

Examiner: Phan, Huy Q.

AU: 2687

Date: Apr. 27, 2005